

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claim 1 has been amended to incorporate the subject matter of claims 2 and 5 and to recite features which the Applicant identified for distinguishing the invention from the applied references in the Amendment dated April 4, 2006 and which the Final Rejection identifies as missing from the claims (see Final Rejection section 21). Claims 2, 5, and 14 have been canceled, claim 3 has been amended to depend from claim 1, and claim 8 has been amended to be consistent with the changes made to base claim 1. Claim 1 has been amended to avoid the issue underlying the objection to claim 5. Support for the subject matter defined by claim 1 is provided at least in the original claims and the specification on page 13, line 38, through page 14, line 19. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 1-13 were rejected, under 35 USC §102(b), as being anticipated by Bauer (US 5,951,489). To the extent these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses based on the points set forth below.

Claim 1 now recites that a control button operates to bring two slides sequentially, one after the other, to a rearward position of a sampling device to provide sequential charging of a needle and a cannula and both the charged needle and cannula are automatically fired upon the actuation of either one of front and rear tumblers. It is submitted that Bauer fails to disclose these features, as apparently acknowledged in the Final Rejection (see Final Rejection section 21, in which the Office indicates that these features were not recited in the then-pending claims but is silent with respect to whether Bauer discloses the features).

By contrast to the above-noted claimed features, Bauer discloses two sliders alongside each other (i.e., arranged in parallel) and two push-buttons for actuating the two parallel sliders (see Bauer Figs 1-1B and abstract). Therefore, Bauer's device has the same drawbacks as those described in the Background of the Related Art section of the present application (see specification pages 1 and 2).

With the claimed device, two sliders are arranged in series and are actuated by one control button, which provides sequential charging of a needle and a cannula. Moreover, the claimed device automatically fires both the charged needle and cannula upon the actuation of either one of two tumblers. Bauer's device provides

sequential firing only through the successive manual operations of pressing a button 10 and then another button 11 (see Bauer Figs. 1-1B and abstract).

Accordingly, the Applicant respectfully submits that Bauer does not anticipate the subject matter now defined by claim 1.

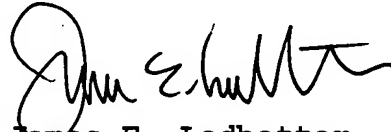
Therefore, it is submitted that allowance of independent claim 1, and claims 3, 4 and 6- 13 dependent therefrom, is warranted.

With respect to the remarks presented in section 20 of the Final Rejection, the Applicant notes that the feature of a control button that operates to bring two slides sequentially, one after the other, to a rearward position of a sampling device, as described in the Final Rejection, provides a structural disadvantage and limitation. This limitation requires the sampling device to have a structure in which a control button brings two slides sequentially, one after the other, to a rearward position of a sampling device. As discussed above, neither of Bauer's buttons 10 and 11 is capable of bringing two slides sequentially, one after the other, to a rearward position of a sampling device.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter  
Registration No. 28,732

Date: July 17, 2006  
JEL/DWW/att

Attorney Docket No. L7307.03159  
STEVENS DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
P.O. Box 34387  
Washington, D.C. 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200